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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

12 DIMITRITZA TOROMANOVA, an)
13 Individual,) Case No.: 2:12-cv-01637-LRH-(CWH)
14 Plaintiff,)
15 vs.)
16 WELLS FARGO BANK, N.A.; WACHOVIA)
17 MORTGAGE, FSB; NATIONAL DEFAULT)
18 SERVICING CORP; and TIFFANY K.)
19 LABO,)
Defendants.)
20

REPLY IN SUPPORT OF MOTION TO AMEND ORDER

21 On January 7, 2013, this Court entered an order denying plaintiff Dimitritza
22 Toromanova's ("Toromanova") Motion to Remand (Doc. #34) and an order granting the
23 defendants' motions to dismiss, granting the motion to expunge lis pendens, and granting the
24 motion to declare plaintiff a vexatious litigant (Doc. #35) (the "Order"). Upon reviewing the
25 Order, Wells Fargo Bank, N.A. ("Wells Fargo") observed that the Court inadvertently omitted
26 substantive findings about the frivolous or harassing nature of the plaintiff's litigation that could
27 subject the order to challenge. Accordingly, Wells Fargo filed the instant Motion to Amend
28 Order (Doc. #39) (the "Motion") on January 17, 2013 to bring the omission to the Court's
attention and modify the Order pursuant to Fed. R. Civ. P. 60(a).

1 On February 4, 2013, Toromanova filed an Opposition to the Motion (Doc. #42) in which
2 she continues to argue that this Court lacks jurisdiction and attempts to challenge the Order itself
3 on the merits. However, Toromanova fails to provide any reason why the Court should not
4 amend the Order to “correct a clerical mistake or a mistake arising from oversight or omission.”
5 *See* Fed. R. Civ. P. 60(a). Therefore, Wells Fargo respectfully requests that the Court amend the
6 Order to include substantive findings about the frivolous or harassing nature of the plaintiff’s
7 litigation in accordance with the requirements set forth in *De Long v. Hennessey*, 912 F.3d 1144,
8 1147-48 (9th Cir. 1999). At the time it filed the Motion, Wells Fargo submitted a proposed
9 Order Granting Motion to Amend Order (Doc. #40) that addresses its concerns.

10 || DATED this 12th day of February 2013.

DAVID J. MERRILL, P.C.

By: 
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CERTIFICATE OF SERVICE

2 Pursuant to Fed. R. Civ. P. 5(b), I hereby certify that on the 12th day of February 2013,
3 service of the foregoing Reply in Support of Motion to Amend Order was made to all counsel in
4 the action through the Court's CM/ECF system. In addition, service was made by placing a copy
5 in the United States Mail, postage prepaid and addressed to the following at their last known
6 addresses:

Dimitritza Toromanova
Post Office Box 19153
Las Vegas, Nevada 89132

Ein J. Winter

An employee of David J. Merrill, P.C.